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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/955,180	09/19/2001	Koji Miyajima	034620-096	9415
46188	7590	02/09/2009		
Nixon Peabody LLP 200 Page Mill Road Palo Alto, CA 94306			EXAMINER BROWN, RUEBEN M	
			ART UNIT 2424	PAPER NUMBER
			MAIL DATE 02/09/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

09/955,180

**Applicant(s)**

MIYAJIMA ET AL.

**Examiner**

REUBEN M. BROWN

**Art Unit**

2424

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 6/11/2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Paper No(s)/Mail Date: \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 5) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. The Office Action mailed 10/3/2008 did not have the correct PG-PUB Number, for the Nakayama reference. A new Office Action is hereby mailed with the correct PG-PUB (2003/0061370). There is a new time period for response.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-46 are rejected under 35 U.S.C. 102(e) as being anticipated by Nakayama, (US PG-PUB 2003/0061370).

Considering claim 1, the claimed video distribution system that distributes video data to a user terminal that can connect to a network, comprising;

*'a distribution list generating device that generates a distribution list that defines a distribution order of the video data of the user terminal and includes a link name that links video data as a distribution request destination'*, reads on the streaming server 22 of Nakayama that sends out requested audio/video clips 42a-42c. The claimed *'distribution order'* reads on the example of the sequential order of clips 42a, 42b, 42c; Para [0058] & Fig. 4. The claimed *'link name that links video data'*, reads on the HTML address for each file, such as for instance URL = <http://fujisan.gmsnet.or.jp/hylink/kanda.htmlu>, disclosed in Fig. 4 & Para [0051]. The claimed *'user terminal'* corresponds with the WWW browser 11 and streaming player 12, [0096].

*'link list generating device that generates a link list that is a correspondence list between the link name and a video data file name corresponding to the link name'*, reads on the server 21 that creates and maintains the Document base directory names and the Management Files Name List Files, which is the list of management information for the list of files stored at the database, Para [0064-0068] & Figs. 7-8. The claimed, *'video data file name'*, corresponds with the file name shown as the last two terms after the backslash in the URL, for instance, *kanda.htmlu* is the file name in the above URL.

The additionally claimed feature, *'and stores the link list into the video distribution system'*, is broad enough to read on above passage of Para [0064-0068]. The server computer 21 maintains an integration 23aa and management file name list files 23ab.

*'link list updating device that updates the video data file name corresponding to the link name in the instant link list to another video data file name depending on distribution condition, wherein the video data is distributed based on the link list'* reads on the disclosure in Nakayama of changing, i.e., updating the file names of certain files stored at the server 21, at least based on the congestion of the distribution system which reads on the claimed, 'depending on distribution condition', see [0006-0009 & 0112-0114]. In particular, Nakayama discloses that when an updated version of a file is available at a server computer 20, that the server computer 20 will transmit the updated version (at least to a local recording medium; i.e., auxiliary storage 14), Para [0099]. This process is done at least for the purpose of avoiding problems of congestion on the network, Para [0095], which meets the claimed limitation of, *'updates the video data file name corresponding to another video data file name depending on distribution conditions'*.

The additional feature of *'the updating being conducted exclusively by the video distribution system'*, is broad enough to read on the disclosure that all updating is controlled by the server 21, [0045-0046; 0052-0055]. To the extent that server 21 controls some updating in the local proxy server 13, the local proxy server 13 is considered to be included in the video distribution system, whereas the browser 11 and streaming player 12, correspond with the claimed *'user terminal'*, as mentioned above.

It is noted that Nakayama also teaches an alternate embodiment that reads on the claimed subject matter, see Para [0128-0133]. In particular, Nakayama teaches that the streaming server 70 transmits streaming content 71 to a WWW browser 51 that requests the instant content (Fig.

13). Subsequently, the streaming server 71 accesses a synchronization file 72 that contains information regarding links to files with the same filename but differ, only in the extension. Thus Nakayama teaches that when a WWW browser 51 requests access to a certain streaming content with a specific filename, in response the streaming 70 may actually transmit a different version of the requested filename. This technique, reads on the claimed *'updates the video data file name corresponding to another video data file name depending on distribution conditions'*.

Considering claims 2, 9 & 12 *'wherein, in the case in which the video data is associated with distribution condition information that includes as the distribution condition information at least one of, 'time and duration information', 'area information that designates the distribution area', 'cumulative distribution number information that limits the cumulative number of distributions' and 'attribute information about the user',* is met by the discussion of Nakayama that many large files are being transmitted, the situation may cause an overloading of lines, which may be solved by caching contents on different medium at the server or locally or with the client, Para [0006-0009].

Considering claims 3-5, the claimed subject matter reads on the discussion in Nakayama [0055-0059; 0091] that the video data file names are updated.

Considering claim 6, the claimed, *'updating device updating the video data file by referring to the priority order list that determines priority order in the distribution of the video data'*, again reads on the sequential order of video clips shown in Fig. 4; 42a, 42b, 42c.

Considering claims 7-8 & 10, the claimed video distribution system that distributes video data user terminal comprises features that correspond with subject matter mentioned above in the rejection of claim 1 and is likewise treated.

Considering claims 11 & 13, the claimed computer-readable medium encoded with a computer program that comprise that which correspond with subject matter mentioned above in the rejection of claims 1 & 7-8, and are likewise treated. As for the claimed computer readable medium, Nakyama meets the limitation.

Considering claims 14, 19, 24, 29, 34 & 39, again, the claimed subject matter reads on the disclosure Nakyama of the sequential order of audio/video clips 42a,42b,42c, see col. 19, lines 31-65; col. 20, lines 16-52.

Considering claims 15, 20, 25; 30, 35 & 40, the claimed '*obtains a distribution state*', reads on the version number & super version number, which are used by the proxy server 13 and file server 20 to keep track of which files have been updated, Para [0085 & 0101]. And '*updating the video data file name corresponding to the link name to the other video data file name in accordance with the distribution state thus obtained and distribution conditions*', reads on the updated version of the content, as discussed in the analysis of claims 14, 19, 24 & 29.

Considering claims 16, 21, 26 & 31, the claimed subject matter reads on Para [0096-0099].

Considering claims 17, 22, 27, 32, 36, 37, 41 & 42, the claimed subject matter reads on the Management File Name List Files, discussed in Nakayama [0067-0068].

Considering claims 18, 23, 28, 33, 38 & 43, the claimed subject matter reads on the discussion in Nakayama of updating the files, in local proxy server 13 with the names of the files in the distribution server 21, using the Management File Name List Files, [0062-0068].

Considering claim 44, since Nakayama is an interactive system, the claimed subject matter reads on any particular user choosing a particular path, according to the selections, Therefore, the updates associated with the content of a particular user, would necessarily be different from a user that chose a different path of selections.

Considering claim 45, the claimed subject matter reads on Para [0084-0094], which teaches that the system detects the different version number attached to a request from a browser 11, in that that instance the server sends out the content from the updated file.



*Conclusion*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A) Yoneda Teaches a system that updates file names, except that the version with updated file name is stored in a back-up directory that cannot be accessed by regular users.

**Any response to this action should be mailed to:**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**or faxed to:**

(571) 273-8300, (for formal communications intended for entry)

**Or:**

(571) 273-7290 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F(8:30-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communications and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Reuben M. Brown/  
Patent Examiner, Art Unit 2424